IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 139 OF 2007.

1. Shri Chandreshwar Bhuthnath
   Devasthans,
   Paroda, Salcete, Goa.
   Through its elected Attorney
   Shri Chandrakant Raut Dessai.

2. Shri Mahalasa Sausthan,
   P.O. Mardol, Goa.
   Through its elected Attorney.
   Shri Govind Sinai Nevrekar.

3. Shri Manguexa Devasthans,
   P.O. Mardol, Goa.
   Through its elected Attorney,
   Shri G.S.S. Kakodkar.

4. Shri Ramnath Devasthans,
   P.O. Bandora, Goa.
   Through its elected Attorney,
   Shri Rajkumar Kosambe.

5. Shri Saunsthan Bhagwati
   Chimulkarin,
   P.O. Marcela, Goa.
   Through its elected Attorney,
   Shri Jaiwant P. Chimulkar.

6. Shri Saunsthan Naguexa Maharudra,
   P.O. Bandora, Goa.
   Through its elected Attorney,
   Shri Vaman Naik.

7. Shri Mahalaxmi Saunsthan,
   P.O. Bandora, Goa.
   Through its elected Attorney,
   Shri Ulhas Kamat.

8. Shri Kamaxi Saunsthan,
   P.O. Shiroda, Goa.
   Through its elected Attorney,
   Shri Ashok Pai Raikar.

9. Shri Navdurga Saunsthan,
   Madkai, P.O. Mardol, Goa.
   Through its elected Attorney

Shri Shirish Kamat.

10. Shri Ganapati Devasthans,
Kandola P.O. Marcela, Goa.
Through its elected Attorney,
Shri Suhas Khandeparkar.

11. Shri Shantadurga Saunsthan,
Kavlem, P.O. Bandora, Goa.
Through its elected Attorney,
Shri Datta Nadkarni.

12. Shri Laxmi Narsinh
Devasthansasthan,
Veling, P.O. Mardol, Goa.
Through its elected Attorney,
Shri Rama Naik.

13. Shri Shantadurga Shankawaleshwari
Saunsthan, Gothan, Veling,
P.O. Mardol, Goa.
Through tis elected Attorney,
Shri Anil Kadkade. .... Petitioners

Versus

1. The Goa State Information
Commission, at Panaji,
constituted with 2 Members.

1A. Shri A. Venkataratnam.

1B. Shri G.G. Kamli,
having their office at
Ground Floor, Shrama Shakti
Bhavan, Patto Plaza,
Panaji, Goa.

2. The Collector of Goa,
North District, Panaji, Goa.

3. Public information Officer,
Mamlatdar of Ponda Taluka,
Ponda, Goa.

4. Shri Guiri S. Pai Raikar,
r/o 21 Galaxy Apartments,
Cine Vishant Road,

Aquem, Margao, Goa. .... Respondents.

Mr. M.S. Usgaonkar, Sr. Advocate with Mr. P. Wagle, for the Petitioners.
Mr. S.D. Lotlikar, Sr. Advocate with Ms. S. Mordekar for R.1(a) and 1(b).
Mr. S.S. Kantak, AG with Ms. L. Dharwadkar, Aga for R.2 and 3.
Respondent No.4 in person.

CORAM: S. A. BOBDE, J.

DATE: 16th MARCH, 2007.

ORAL JUDGMENT:

Rule. Rule returnable forthwith. Heard by consent.

2. After hearing the matter for sometime, the following Order is passed by consent:-

The respondent No.4, who appears in person, states and reiterates his stand that the Devasthans are not public institutions, but are private institutions. He further states that his demand for information is restricted to the information from Petitioner No.8 Shri Kamaxi Saunsthan, Goa.

3. Mr. Usgaonkar, the learned Counsel for the Petitioners, states that the Petitioner No.8, Shri Kamaxi Saunsthan is willing to give the information to the Respondent No. 4, on the basis that the Petitioner No.8 is a private institution and in accordance with the 1933 Devasthan Regulation.

4. It is recorded by the Commission that the Petitioner's contention is that the Petitioner-Devasthan are private institutions. However, the Commission proceeded to decide the issue since public notice of hearing had been given. Mr. Lotlikar, the learned Counsel for the Commission, states that the Commission hereby withdraws its

Order in view of the fact that the petitioner does not claim that any of the respondents are public institutions. Accordingly the order shall stand set aside.

5. As regards the direction at No.(ii) in paragraph 17 of the Order of the Commission, I am of view that it would be appropriate to reiterate that direction, as an order of this Court on the basis that the Collector of Goa, North is a public authority and a citizen would be entitled to an audit report submitted by a Devasthan to a public authority. This is not disputed on behalf of the Petitioners. However, the Collector, North Goa shall submit an audit report only in respect of Shri Kamaxi Saunsthan to which the respondent No.4 has restricted his request.

6.0000000 Withdrawal of the impugned Order by the respondent-Commission shall not come in the way of the Commission deciding the issue whether a Devasthan is a public authority in an appropriate case wherein the applicant makes an appropriate request in accordance with law.

Rule made absolute in the above terms.

S. A. BOBDE, J.

sl.